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MARGER JOHNSON & MCCOLLOM, P.C. 210 SW MORRISON STREET, SUITE 400 PORTLAND, OR 97204			PICH, PONNOREAY	
			ART UNIT	PAPER NUMBER
			2135	

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/056,982

Applicant(s)

HOFFMAN, NED

Examiner

Ponnoreay Pich

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 May 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/02, 6/02, 8/02
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claims 1-59 have been examined and are pending.

Priority

The examiner acknowledges applicant's right to an earlier effective filing date due to the current application being a continuation in part (CIP) of 09/639948, which is a CIP of 09/398914, which is a CIP of 09/244784, which is a CIP of 08/705399, which is a CIP of 08/442895, which is a CIP of 08/345523.

Information Disclosure Statement

The IDS applicant submitted have been considered.

Oath/Declaration

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:
The specification to which the oath or declaration is directed has not been adequately identified. See MPEP § 602.

Claim Objections

Claims 1, 28, 49 and 53 are objected to because of the following informalities:

1. As per claim 1, the examiner respectfully suggests that on line 19, applicant should replace “, and;” with an “or”. A similar recommendation is made for claim 28 in the third from the last line. A similar recommendation is made for claim 53.
2. As per claim 49, the examiner believes that on line 3, “respecting” should be deleted.

Claim 50 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 50 recites the data processing center connections which are not via the Internet. This does not further limit the parent claim (claim 49) in which the connections from the data processing center to the gathering means station and computer network of the system must be via the Internet.

Appropriate corrections are required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-59 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

1. Claim 1 recites "the gathering means" and "said gathering means". It is unclear if both refer to the same gathering means. The examiner notes line 6 recites "at least one gathering means", but it is unclear to which gathering means "the gathering means" and "said gathering means" refer and if they refer to the same gathering means.

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2. Claim 1 recites "the computer network". It is unclear to which computer network is being referred. Line 9 recites "at least one computer network", which implies more than one computer network.
3. Claim 1 recites "the interconnecting means." It is unclear to which interconnecting means is being referred. Line 3 recites "at least one interconnecting means", which implies more than one.
4. Claim 1 recites "the authorization" on lines 10-11, which lacks antecedent basis.
5. Claim 1 recites "the host system data processing center" on lines 13-14, which lacks antecedent basis.
6. Regarding claim 1, the phrase "such as" (see next to last line) renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).
7. Claims 2-5 recite "the interconnecting means". It is unclear to which interconnecting means is being referred. Line 3 of claim 1 recites "at least one interconnecting means", which implies more than one.
8. Claim 9 recites "the biometric input means." It is unclear to which biometric input means is being referred. Line 2 of claim 9 recites "at least one biometric input means", which implies more than one.
9. Claim 9 recites "said terminal" in line 6, which lacks antecedent basis.
10. Claim 25 recites "said biometric" which lacks antecedent basis.
11. Claim 28 recites "the individual seeking access" on line 10, which lacks antecedent basis.

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12. Claim 28 recites "the individual" on lines 12 and 13. It is unclear to which individual is being referred, the individual seeking access or one or more enrolled individuals.
13. Regarding claim 28, the phrase "such as" (see last line) renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).
14. Claim 30 recites "the data processing center", which lacks antecedent basis.
15. Claim 32 recites "the host system data processing center". It is unclear to which host system data processing center is being referred. Line 18 of claim 28 recites "at least one host system data processing center", which implies more than one.
16. Claim 33 recites "the computer network" which lacks antecedent basis.
17. Claim 33 recites "the host system data processing center". It is unclear to which host system data processing center is being referred. Line 18 of claim 28 recites "at least one host system data processing center", which implies more than one.
18. Claim 48 recites "said biometrics" which lacks antecedent basis.
19. Claim 49 recites "the gathering means station". It is unclear to which gathering means station is being referred. Line 2 recites "at least one gathering means station", which implies more than one.
20. Claim 49 recites "the computer network". It is unclear to which computer is being referred. Lines 4-5 recites "at least one computer network" which implies more than one.

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21. Claim 49 recites "the individual seeking access to the computer network". It is unclear if this is the same individual earlier recited as using the gathering means station or one of the one or more enrolled individuals or an entirely separate individual.
22. Claim 53 recites "the host system data processing center" which lacks antecedent basis.
23. Claim 54 recites "the characteristics" in line 5, which lacks antecedent basis.
24. Claim 54 recites "the so-compared live data" in lines 9-10, which lacks antecedent basis.
25. Any claims not specifically addressed are rejected by virtue of dependency.
26. Appropriate corrections are required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6-7, 9-10, 12-13, 15-17, 19-21, 24-25, 28-29, 32-33, 36, 41-43, and 48 are rejected under 35 U.S.C. 102(b) as being anticipated by Matchett et al (US 5,229,764).

Claim 1:

As per claim 1, Matchett discloses the following limitations:

1. At least one interconnecting means comprising any of the following: wide area network; X.25; ATM network; Internet network; cable television network; wireless network; and cellular telephone network (Fig 2-3; col 6, lines 2-11; col 7, lines 61-65; and col 8, line 47-col 9, line 3).
2. At least one gathering means for gathering real time data of biometric samples of an individual who has used the gathering mean, said gathering means linked to the interconnecting means (Fig 2-4; col 4, lines 31-46; and col 9, lines 19-28).
3. At least one computer network lined to at least one interconnecting means, access of the computer network via the interconnecting means being sought by the individual using the gathering means and being dependent on the authorization of the individual (Fig 2-3; col 6, lines 52-62; and col 8, lines 9-11).
4. At least one host system data processing center linked to at least one of the gathering means and at least one of the computer networks so as to receive the real time data, the host system data processing center having records of biometric data of one or more enrolled individuals, the host data processing center comparing the real time data with selected records, the comparison being to determine whether the real time data sufficiently matches the selected records as to authorize the individual seeking access to the computer network, wherein the host system data processing center communicates using one of the following: the interconnecting means linked to the gathering means or the interconnecting means linked to the computer network (Fig 2-5; col 7, lines 20-28; col 9, lines 19-35).

5. Wherein the host system data processing center conducts a biometric authorization without the individual being required to use any token such as a magnetic strip card or a smart card (col 11, lines 47-64 and col 12, lines 23-30).

Claim 2:

Matchett further discloses wherein the interconnecting means further comprises a telephone network (col 5, lines 25-34).

Claim 3:

Matchett further discloses wherein the host system data processing center is linked to at least one of the gathering means via the interconnecting means (Fig 2-4).

Claim 4:

Matchett further discloses wherein the host system data processing center is linked to at least one of the computer networks via the interconnecting means (Fig 2-4 and col 8, lines 9-11).

Claim 6:

Matchett further discloses wherein the host system data processing center is operationally interactive with at least one external, independent computer network (Fig 2-4; col 7, lines 29-34; and col 8, lines 9-31).

Claim 7:

Matchett further discloses wherein at least one computer network is within the host system data processing center such that the host system data processing center carries out the functions requested by the individual without use of an external, independent computer network (Fig 2; col 6, lines 37-48; and col 12, lines 31-43).

Claim 9:

Matchett further discloses wherein the gathering means further comprises:

1. At least one biometric input means for gathering biometric samples, further comprising a hardware and software component (Fig 2-4 and col 7, lines 29-34).
2. At least one terminal means that is functionally partially or fully integrated with the biometric input means for input of or appending ancillary data (col 5, lines 25-28 and col 6, lines 3-11).
3. Means for connecting said biometric input means and said terminal (col 5, lines 25-34 and col 6, lines 3-11).

Claim 10:

Matchett further discloses wherein said terminal is an electronic device that issues commands to and receives results from the biometric input means (col 5, lines 25-34; col 6, lines 3-11; and col 12, lines 39-43).

Claim 12:

Matchett further discloses wherein the host system data processing center further comprises an execution means having at least one database for storage and retrieval of data (col 6, lines 37-48 and col 9, lines 4-9).

Claim 13:

Matchett further discloses wherein the database further comprises a biometric database storing at least the records of biometric data (col 5, lines 57-63 and col 6, lines 37-48).

Claim 15:

Matchett inherently discloses wherein the database further comprises an electronic document database (col 5, lines 57-63 and col 6, lines 37-48).

Claim 16:

Matchett inherently discloses wherein the database further comprises an electronic signature database (col 5, lines 57-63 and col 6, lines 37-48).

Claim 17:

Matchett further discloses wherein the gathering means further comprises means for gathering ancillary data from the individual, said ancillary data comprising any of the following: a name, an address, a title, a personal identification code, an electronic mail address, a financial asset account number, an electronic transaction command, and an electronic transmission command (col 5, lines 25-28 and 44-47; col 9, lines 4-8; and col 12, lines 39-43).

Claim 19:

Matchett further inherently discloses wherein said electronic transmission command is an electronic message command other than an electronic financial command, comprising the execution of any of the following: an electronic fax document, a digital certificate, a network credential, an electronic signature, and electronic data packet, and electronic document, and an electronic mail message (col 5, lines 25-28 and 44-47; col 9, lines 4-8; and col 12, lines 39-43).

Claim 20:

Matchett further inherently discloses wherein the execution means further comprises a means for electronically executing the electronic transaction command (col 9, lines 4-8).

Claim 21:

Matchett further inherently discloses wherein the execution means further comprises means for electronically executing the electronic transmission command (col 9, lines 4-8).

Claim 24:

Matchett further discloses wherein the execution means further comprises means for validating an electronic transmission command (col 11, lines 43-56).

Claim 25:

Matchett further discloses wherein said biometric is comprised of any of the following: a finger print, a hand print, a voice print, a retinal image, and a handwriting sample (col 11, lines 26-31 and col 12, lines 15-18).

Claim 28:

As per claim 28, Matchett discloses the limitations of:

1. A gathering step for gathering real time data of biometric samples, wherein said gathering step uses a gathering means (Fig 5-6B; col 1, lines 31-46; and col 9, lines 19-28).
2. A biometric data transmittal step, wherein the real time data is transmitted to at least one host system data processing center (col 6, lines 2-11 and 52-61).

3. A comparison step, wherein at least one host system data processing center, having records of biometric data of one or more enrolled individuals, compares the real time data with selected records, the comparison being to determine whether the real time data sufficiently matches the selected records as to authorize the individual seeking access to at least one computer network (col 6, lines 2-11 and 52-61).
4. A computer network access step, wherein upon successful authorization of the individual, the individual is enabled to access at least one computer network (col 6, lines 52-61 and col 8, lines 9-11).
5. An interconnecting means data transmittal step, wherein:
 - a. The interconnecting means comprises at least one of the following: wide area network, X.25, ATM network, Internet network, cable television network, wireless network, and cellular telephone network (col 6, lines 2-11 and col 7, lines 61-65).
 - b. For transmittal of data, at least one system data processing center communicates using at least one of the following: the interconnecting means linked to at least one gathering means or the interconnecting means linked to at least one computer network (Fig 2-5; col 7, lines 20-28; col 9, lines 19-35).
 - c. Wherein a voluntary biometric authorization method is conducted without the individual being required to use any token such as a magnetic stripe card or a smart card (col 11, lines 47-64 and col 12, lines 23-30).

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Claim 29:

Claim 29 recites a limitation substantially similar to claim 2 and is rejected for the same reasons.

Claim 32:

Claim 32 recites a limitation substantially similar to claim 6 and is rejected for the same reasons.

Claim 33:

Matchett further discloses wherein the computer network is within the host system data processing center such that the host system data processing center carries out the functions requested by the individual without use of an external, independent computer network (col 6, lines 37-48 and col 12, lines 31-43).

Claim 36:

Claim 36 recites a limitation substantially similar to claim 17 and is rejected for the same reasons.

Claim 41:

Claim 41 recites a limitation substantially similar to claim 19 and is rejected for the same reasons.

Claim 42:

Matchett further discloses wherein the execution step further comprises validating the electronic transmission command in a validate document step (col 6, lines 52-61 and col 9, lines 31-35).

Claim 43:

Claim 43 recites a limitation substantially similar to claim 20 and is rejected for the same reasons.

Claim 48:

Claim 48 recites a limitation substantially similar to claim 25 and is rejected for the same reasons.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matchett et al (US 5,229,764) in view of Kirk et al (US 5,655,116).

Claim 5:

As per claim 5, Matchett does not disclose wherein the interconnecting means supports HTTP protocol. However, the examiner asserts that the limitation was well known at the time the applicant's invention was made. Kirk also discloses the limitation (col 6, lines 42-49). It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have modified Matchett's invention according to the limitations recited in claim 5. One of ordinary skill would have been motivated to do so as having the interconnecting means support the HTTP protocol

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would allow for access to the reference biometric data using a standard Internet access protocol.

Claim 31:

Claim 31 recites a limitation substantially similar to claim 5 and is rejected for the same reasons.

Claims 8, 11, 14, 22-23, 26-27, 30, 34, 44-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matchett et al (US 5,229,764).

Claim 8:

Matchett discloses a host system data processing center provides for comparison of the real time data with other selected records, the comparison being to determine whether the real time data sufficiently matches the other selected records as to authorize the individual seeking access (col 6, lines 52-62).

Matchett does not explicitly disclose when an individual fails authorization, at least one additional host system data processing center provides for the comparison. However, Matchett discloses an individual failing authorization and a more accurate test is performed for authentication (col 7, lines 20-27). The examiner further asserts that backup data processing centers were well known at the time the applicant's invention was made. It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have modified Matchett's invention according to the limitations recited in claim 8. One of ordinary skill would have been motivated to do so

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as an additional host system data processing center would provide backup for the main center should the center be down or a more accurate test was needed.

Claim 11:

Matchett discloses said terminal is selected from the group of: telephones, personal computers, and wireless personal computers (col 5, lines 25-34; col 6, lines 3-11; and col 8, lines 19-31). Matchett does not explicitly disclose the group of: facsimile machines, TV remote controls, TV-top cable boxes, credit/debit card processors, cash registers, and automated teller machines. However, the examiner asserts that facsimile machines, TV remote controls, TV-top cable boxes, credit/debit card processors, cash registers, and automated teller machines were all well-known types of terminals at the time the applicant's invention was made. It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have modified Matchett's invention according to the limitations recited in claim 11. One of ordinary skill would have been motivated to do so as it would allow Matchett's biometric authentication system to be used to protect a wider variety of devices and systems. Note that Matchett discloses that his invention can be used to protect any system or device (col 3, lines 15-20).

Claim 14:

Matchett does not explicitly disclose wherein the database further comprises a prior fraud check database. However, the examiner asserts that the use of prior fraud check databases is well known in the art at the time the applicant's invention was made. It would have been obvious to one of ordinary skill in the art to have modified Matchett's

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invention according to the limitations recited in claim 14. One of ordinary skill would have been motivated to do so as it would allow for easier identification and apprehension of individuals who try to commit fraudulent acts, leading to improved security.

Claim 22:

Matchett does not explicitly disclose wherein the execution means further comprises means for assigning a code to the ancillary data, for the purposes of any of the following: tracking of the ancillary data, archival of the ancillary data, and retrieval of the ancillary data. However, Matchett discloses that his invention is ideal for protecting systems such as computer-based gambling (col 9, lines 4-9). As such, the limitation recited in claim 22 is obvious to Matchett's invention because there needs to be a way to keep track of an individual's monetary amounts in gambling, i.e. the bets, the winnings, loses, etc. One of ordinary skill would have been motivated to modify Matchett's invention according to the limitations recited in claim 22 as it would allow for an effective and useful gambling system.

Claim 23:

Matchett does not explicitly disclose wherein the execution means further comprises means for sending the ancillary data through a message digest encoding algorithm to produce an electronically signed transmission. However, means for sending data through a message digest encoding algorithm to produce an electronically signed transmission was well known at the time the applicant's invention was made. One of ordinary skill would have been motivated to incorporate the aforementioned

limitation into Matchett's invention because a signed transmission would further increase security in Matchett's invention.

Claim 26:

Matchett does not explicitly disclose the host system data processing center further comprises a comparison means having a prior fraud check means wherein the biometric sample gathered during registration is compared to a subset of previously registered biometric samples. However, the examiner asserts that running a background check on an individual before completing registration was well known in the art at the time the applicant's invention was made, i.e. running a credit check on an individual allows a credit card issuer to determine applicants who are prone to financial irresponsibility and gives the issuer a chance to deny an applicant a credit card when the applicant applies for a card.

In light of this, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have modified Matchett's invention according to the limitations recited in claim 26. One of ordinary skill would have been motivated to do so as it would allow for determining individuals who have a history of fraud and prevent registration before it is complete.

Claim 27:

Matchett does not explicitly disclose wherein the gathering means further comprises means for data modification wherein ancillary data can be modified or deleted. However, Matchett discloses that his invention is ideal for protecting such systems as computer-based gambling (col 9, lines 4-9). Further, updating or deleting

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financial information was well known at the time the applicant's invention was made, i.e. people change banks or obtain a new credit card, so any payments using the bank's checks or credit card would have to have the account number changed. In light of this, the limitation recited in claim 27 was obvious to Matchett's invention because if an individual using the computer based gambling system changes banks or credit card, the account from which funds are added or subtracted would need to be updateable.

Claim 30:

Matchett does not explicitly disclose the step of determining the data processing center from among plural data processing centers. However, the examiner asserts that multiple data processing centers was well known at the time the applicant's invention was made. It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have modified Matchett's invention according to the limitation recited in claim 30 because it would allow authentication to be done faster by finding the least busy data processing center.

Claim 34:

Claim 34 recites a limitation substantially similar to claim 8 and is rejected for the same reasons.

Claim 44:

Claim 44 recites a limitation substantially similar to claim 22 and is rejected for the same reasons.

Claim 45:

Claim 45 recites a limitation substantially similar to claim 23 and is rejected for the same reasons.

Claim 46:

Claim 46 recites a limitation substantially similar to claim 27 and is rejected for the same reasons.

Claim 47:

Claim 47 recites a limitation substantially similar to claim 11 and is rejected for the same reasons.

Claims 18 and 37-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matchett et al (US 5,229,764) in view of Dunlevy (EP 598469).

Claim 18:

Matchett does not disclose said electronic transaction command is an electronic financial command comprising the execution of any of the following: a credit transaction, a debit transaction, a stored value transaction and an electronic check transaction. However, Dunlevy discloses a fraud prevention system for preventing fraud in electronic transactions wherein said electronic transaction is an electronic financial command comprising a credit transaction (col 2, lines 46-50). It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have modified Matchett's invention according to the limitations recited in claim 18. One of

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ordinary skill would have been motivated to do so as incorporating Matchett's teachings into Dunlevy's invention would result in improved security for credit card transactions.

Claim 37:

Claim 37 recites a limitation substantially similar to claim 18 and is rejected for the same reasons.

Claim 38:

Matchett further discloses wherein the execution step further comprises an electronic transaction execution step, wherein the electronic financial command is electronically executed (col 9, lines 4-8).

Claim 39:

Claim 39 recites a limitation substantially similar to claim 22 and is rejected for the same reasons.

Claim 40:

Matchett does not disclose wherein the ancillary data is sent through a message digest encoding algorithm step to produce an electronically signed transmission. However, sending data through a message digest encoding algorithm to produce an electronically signed transmission was well known at the time the applicant's invention was made. One of ordinary skill would have been motivated to incorporate the aforementioned limitation into Matchett and Dunlevy's combination invention because a signed transmission would further increase security in Matchett's invention.

Claims 49-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matchett et al (US 5,229,764) in view of applicant's admittance of prior art.

Claim 49:

Matchett discloses a system for providing biometric authentication, the system comprising: at least one gathering means station, the gathering means station providing selected real time data biometric characteristics of an individual who is using the gathering means station (Fig 2-4; col 4, lines 31-46; and col 9, lines 19-28); at least one computer network, access of the computer network being sought by the individual using the gathering means station and being dependent on authentication of the individual (col 6, lines 52-62 and col 8, lines 9-18); and a data processing center linked to at least one of the gathering means and computer networks so as to receive the real time data (Fig 2-4), the data processing center having records of biometric data of one or more enrolled individuals, wherein the data processing center compares the real time data with selected records, the comparison being to determine whether the real time data sufficiently matches the selected records as to authenticate the individual seeking access to the computer network, and wherein, upon successful authentication of the individual, the data processing network transmits the authorization to the computer network (col 4, line 58-68 and col 6, lines 37-62).

Matchett does not explicitly disclose the gathering means station linked to the Internet and the at least one computer network linked to the Internet. However, Matchett further discloses the gathering means station is linked to a remote system/network (Fig 2; col 7, lines 61-65; and col 8, lines 9-18). Further, applicant

discloses a network comprising the Internet was known at the time the applicant's invention was made (see specification, page 1, lines 27-29).

In light of the above, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention to have modified Matchett's invention according to the limitations recited in claim 49. One of ordinary skill would have been motivated to do so as the Internet provides an improved communication network and Matchett's invention would allow greater security to that network.

Claim 50:

Matchett further discloses wherein the data processing center connections are not via the Internet (Fig 2-4 and col 7, lines 61-65).

Claim 51:

Claim 51 recites a limitation substantially similar to claim 6 and is rejected for the same reasons.

Claim 52:

Claim 52 recites a limitation substantially similar to claim 7 and is rejected for the same reasons.

Claim 53:

Matchett does not explicitly disclose wherein the host system data processing center communicates using at least one of the following: the Internet linked to the gathering means or the Internet linked to the compute network. However, this limitation is obvious to Matchett's modified invention as recited in claim 49. The Internet is by nature a communication medium and the host system data processing center of

Matchett's modified invention must use the Internet to communicate to the network it protects as the data center and the network are connected via the Internet.

Claim 54:

Matchett discloses a method for biometric authentication of individuals who are using a gathering means station, the individuals seeking access of a computer network, the method comprising the steps of: establishing biometric characteristics to be used in authentication; acquire, at the gathering means station, biometric data in accordance with the characteristics (Fig 5-6B; col 4, lines 58-64; col 6, lines 52-62; col 8, lines 9-11); receiving, at a data processing center, a message that includes real time data (Fig 5-6B and col 4, lines 61-64); selecting, at the data processing center, one or more records from among records associated with one or more enrolled individuals; comparing at the data processing center, real time data with selected records, the comparison determining whether the so-compared live data sufficiently matches the selected records as to authenticate the individual seeking access to the computer network (Fig 5-6B; col 4, lines 58-64; col 6, lines 52-62; col 8, lines 9-11).

Matchett does not explicitly disclose the method is Internet-based and in the event of successful authorization, transmitting from the data processing center, the authorization to the computer network. However, applicant disclosed that it was well known at the time the applicant's invention was made to use the Internet as a communication network (see specification p1, lines 27-29). Applicant also discloses that it was well known for a terminal to send to a host computer an access should be allowed if the identity of an individual is verified (see specification p4, lines 13-18).

In light of the above, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have modified Matchett's invention according to the limitations recited in claim 54. One of ordinary skill would have been motivated to make Matchett's method Internet based because Matchett's invention can provide increased security to computers and networks connected to the Internet. One of ordinary skill would have been motivated to in the event of successful authorization, transmitting from the data processing center, the authorization to the computer network because it is a standard way to enable access to a computer network.

Claims 55-58:

Claims 55-58 recites limitations that are substantially similar to what are recited in claims 50-52 and 30 respectively and are rejected for the same reasons.

Claim 59:

Matchett does not explicitly disclose wherein the Internet is used during at least one of the following steps: receiving, at the data processing center, a message that includes real time data, and; transmitting, from the data processing center, the authorization to the computer network in the event of successful authorization. However, this limitation is obvious to Matchett's modified invention as recited in claim 54. The data processing center and the computer network are connected via the Internet, so to send the authorization to the computer network from the data processing center the Internet must be used.

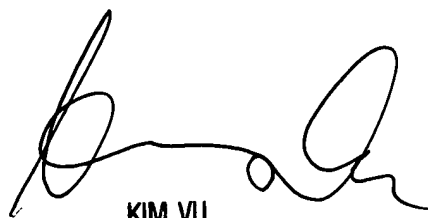
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ponnoreay Pich whose telephone number is 571-272-7962. The examiner can normally be reached on 8:00am-4:30pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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PP



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